

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA

CHARLESTON DIVISION

*In Re: American Medical Systems, Inc., Pelvic Repair System
Products Liability Litigation*
MDL No. 2325

Civil Action No. 2:14-cv-00622

SHORT FORM COMPLAINT

Come now the Plaintiff(s) named below, and for Complaint against the Defendants named below, incorporate The First Amended Master Complaint in MDL No. 2325 by reference.

Plaintiff(s) further show the court as follows:

1. Female Plaintiff

Michelle Hargrove

2. Plaintiff Spouse

Christopher Hargrove

3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator)

Not Applicable

4. State of Residence

South Carolina

5. District Court and Division in which venue would be proper absent direct filing

U.S. District Court for the District of Minnesota, Division 4

6. Defendants (Check Defendants against whom Complaint is made):

☒ A. American Medical Systems, Inc. ("AMS")

☐ B. Ethicon, Inc.

☐ C. Ethicon, LLC

- ☐ D. Johnson & Johnson
- ☐ E. Boston Scientific Corporation
- ☐ F. C. R. Bard, Inc. (“Bard”)
- ☐ G. Sofradim Production SAS (“Sofradim”)
- ☐ H. Tissue Science Laboratories Limited (“TSL”)
- ☐ I. Mentor Worldwide LLC
- ☐ J. Coloplast Corp.

7. Basis of Jurisdiction

- ☒ Diversity of Citizenship
- ☐ Other: _____

A. Paragraphs in Master Complaint upon which venue and jurisdiction lie:

Paragraph 11: Subject Matter Jurisdiction

Paragraph 12: Personal Jurisdiction

Paragraph 13: Venue

B. Other allegations of jurisdiction and venue

Not Applicable

8. Defendants’ products implanted in Plaintiff (Check products implanted in Plaintiff)

- ☐ A. Apogee;
- ☐ B. Perigee;
- ☐ C. MiniArc Sling;
- ☒ D. Monarc Subfascial Hammock;
- ☐ E. SPARC;
- ☐ F. In-Fast;
- ☐ G. BioArc;

- ☐ H. Elevate;
 - ☐ I. Straight-In;
 - ☐ J. Other
-

9. Defendants' Products about which Plaintiff is making a claim. (Check applicable products)

- ☐ A. Apogee;
 - ☐ B. Perigee;
 - ☐ C. MiniArc Sling;
 - ☒ D. Monarc Subfascial Hammock;
 - ☐ E. SPARC;
 - ☐ F. In-Fast;
 - ☐ G. BioArc;
 - ☐ H. Elevate;
 - ☐ I. Straight-In;
 - ☐ J. Other;
-

10. Date of Implantation as to Each Product

February 19, 2008

11. Hospital(s) where Plaintiff was implanted (including City and State)

The Western Pennsylvania Hospital, Pittsburgh, Pennsylvania

12. Implanting Surgeon(s)

Dr. Arthur Thomas, M.D.

13. Counts in the Master Complaint brought by Plaintiff(s)

- ☒ Count I - Negligence

- ☒ Count II – Strict Liability – Design Defect
 - ☒ Count III – Strict Liability – Manufacturing Defect
 - ☒ Count IV – Strict Liability – Failure to Warn
 - ☒ Count V - Strict Liability – Defective Product
 - ☒ Count VI - Breach of Express Warranty
 - ☒ Count VII – Breach of Implied Warranty
 - ☒ Count VIII – Fraudulent Concealment
 - ☒ Count IX – Constructive Fraud
 - ☒ Count X - Discovery Rule, Tolling and Fraudulent Concealment
 - ☒ Count XI – Negligent Misrepresentation
 - ☒ Count XII – Negligent Infliction of Emotional Distress
 - ☒ Count XIII – Violation of Consumer Protection Laws
 - ☒ Count XIV – Gross Negligence
 - ☒ Count XV - Unjust Enrichment
 - ☒ Count XVI - (By the Spouse) – Loss of Consortium
 - ☒ Count XVII – Punitive Damages
 - ☐ Other _____ (please state the facts supporting this Count in the space, immediately below)
-
-

Address and bar information:

/s/ Kyla G. Cole
Attorneys for Plaintiffs
Admitted Pro Hac Vice
TX Bar No. 24033133
Waters & Kraus, LLP
3219 McKinney Avenue
Dallas, Texas 75204
Telephone: (214) 357-6244
Facsimile: (214) 357-7252